



PATENT
Case Docket No.: 46219

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Lim, Chae-Whan

Group Art Unit: 2621

Serial No.: 10/757,496

Examiner: Holder, Amer

Filed: January 15, 2004

Confirmation No.: 6312

For: Apparatus and Method for
Communicating Moving Picture Mail
Using a Transcoding Operation

DECLARATION UNDER 37 CFR § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We, Chae-Whan Lim and Jeong-Wook Seo, declare as follows:

1. We are the inventors on the above-identified Application;
2. We conceived the invention claimed in the above application prior to January 16, 2003, the critical reference date of U.S. Patent No. 7,130,618 to Yokoyama, patented October 31, 2006, and can demonstrate herein due diligence from prior to January 16, 2003 to the filing of Korean patent application No. 2003-3768 on January 20, 2006, upon which the claim for foreign priority of the above application is established.

Attached for your consideration are Exhibits A-E that establish the facts of the matter pertaining to our declaration immediately above.

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Exhibit A is a draft preparation of Korean patent application No. 2003-3768 prepared for us by a legal entity representing Samsung Electronics Co., LTD. (the Assignee of the instant application) sent to Samsung Electronics Co., LTD for their review on December 26, 2002. The subject matter of Exhibit A is based on an information disclosure document we provided to said legal entity at an earlier date. Exhibit B is a certified English translation of the document presented in Exhibit A. Exhibit C is an internal database record and translation of the record demonstrating proof of the December 26, 2002 date on which the document in Exhibit A was sent by said legal entity to Samsung Electronics Co., LTD. Exhibit D is an internal database record and a translation of the record establishing the date of January 14, 2003 on which communication was received by said legal entity from Samsung Electronics Co., LTD with instruction to file the document in Exhibit A. Exhibit E is a certified English translation of Korean patent application No. 2003-3768 filed with the Korean Intellectual Property Office on January 20, 2003, upon which constructive reduction to practice of the above identified present application is established.

At least pages 36-40 of Exhibit B show that the claimed features described in claims 1-12 of the present application were conceived prior to January 16, 2003 (the earliest effective filing date of Yokoyama). The claims presented in the draft application are substantially the same as the claimed invention presented in the above identified application. Exhibits D and E demonstrate diligence from January 14, 2003 (the date instructions were received to file Korean patent application No. 2003-3768 based upon the subject matter of Exhibits A and B) until January 20, 2003 (the actual

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filng date of the Korean patent application upon which foreign priority of the above identified application is established).

The undersigned declare further that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

(1) Chae-Whan Lim.

(2) Jeong-Wook Seo

Signature Chae Whan Lim

Date 2008. 08. 04

Signature Jeong-Wook Seo

Date 2008. 08. 04